Patent Application Attorney Docket No. 18405-115

Express Mail Label No.: EV334317745US

Date of Deposit: January 14, 2004

REMARKS

This Supplemental Amendment and Reply is being filed in response to the December

23, 2003 Notice of Non-Compliant Amendment. Applicants request that this Supplemental

Amendment be substituted in its entirety for the previously filed Amendment. In that regard,

the remarks which follow have been copied from Applicants' previously filed response of

November 10, 2003.

The application has been thoroughly reviewed in light of the outstanding Action of July

8, 2003. Claims 1-16, 18, 19 and 35-36 are currently pending, with claims 1, 35 and 36 being

independent. Claims 17 and 20-34 have been cancelled without prejudice and/or disclaimer of

subject matter. Each of the points raised in the outstanding Action are addressed below.

Allowable Subject Matter

Applicants appreciate the indication by the Examiner that claim 3 is allowable over the

art of record if re-written in independent form to include all the features of the base independent

claim and any intervening claims. Since Applicants believe the base amended independent

claim is patentable over the art of record, Applicants will forgo re-writing claim 3 in

independent form.

Restriction Requirement

Applicants acknowledge the Examiner's indication that the Restriction requirement has

now been made final. To that end, Applicant has canceled, without prejudice and/or disclaimer

of subject matter, the claims directed to the non-elected inventions.

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The Drawings

The drawings were objected to for the reasons set out on page 4 of the Action. Without

addressing the merits of the Action's position that the "terminal hub" feature recited in claim 17

is not disclosed in the drawings, Applicants have canceled this claim. Thus, the objection to the

drawings is now considered moot and Applicants respectfully request that this objection be

withdrawn.

Specification

The specification was objected to for the informality noted on page 4 of the Action.

Applicants have amended the specification to address the informality and withdrawal of the

objection is respectfully requested.

Claim Objections

Claim 14 was objected to for the informality noted on page 4 of the Action. Applicants

have amended claim 14 to address the informality and thus, Applicants also respectfully request

that this objection be withdrawn.

§ 102 Prior Art Rejection

Claims 1, 2, 4-16 and 18-19 were rejected either under 35 U.S.C. § 102 as being

anticipated by U.S. Patent No. 3,503,326 (Juhasz et al.). For the following reasons, Applicants

submit that that the claims are patentable over the cited prior art.

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The Invention

Independent claim 1 is directed to a multiple sample processing apparatus for a

continuous flow centrifuge. The apparatus includes a plurality of axially aligned

processing chambers and expressor chambers where each chamber includes an axial

opening housing a central hub. A respective central hub of a respective chamber includes

at least one first dedicated passageway dedicated for fluid communication with the

respective chamber and at least one second dedicated passageway for fluid communication

with an adjacent chamber. New independent claims 35 and 36 recite similar patentable

features.

The Cited Prior Art

As understood by Applicants, Juhasz et al. is directed to a filter press, where a slurry is

provided into a channel 7, where it is driven into a filter chamber 10 via a radial passage 8 of

hollow core 6. Chambers 13 are pressurized via an exterior pressure source indicated by arrows

12. The liquid portion of the slurry penetrates filter cloths 4, which then passes through

passages in spacers 5, indicated by arrows 16 and 16' (see specification, column 2, line 45

through column 3, line 15; and column 4, lines 4-9).

ANALYSIS

Requirements for Anticipation

"A claim is anticipated only if each and every element as set forth in the claim is

found, either expressly or inherently described, in a single prior art reference." M.P.E.P.

2131, quoting, Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2

U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

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Accordingly, Applicants could find nothing in <u>Juhasz et al.</u> which discloses, or even

would have taught or suggested to one of ordinary skill in the art at the time the invention was

made, of a sample processing apparatus having axially aligned chambers each having a central

hub, where the central hub of a respective chamber includes dedicated fluid passageways for

other chambers. Thus, the claimed invention is patentable over Juhasz et al.

Since the remainder of the art of record fails to meet the deficiencies of Juhasz et al., the

independent claims are patentable over the prior art of record. Moreover, since the remainder

of the claims are dependent from claim 1, they necessarily incorporate by reference all the

features recited therein and thus, are believed patentable over the prior art for the same reasons.

Withdrawal of the § 102 rejection is now respectfully requested.

§ 103 Prior Art Rejection

Claim 17 was rejected under 35 U.S.C. § 103 as reciting subject matter that is allegedly

obvious from Juhasz et al. in view of U.S. Patent No. 988,854 (Bixler). Since this claim has

been canceled, this rejection is considered moot and withdrawal of the rejection is respectfully

requested.

CONCLUSION

In view of the foregoing remarks, Applicants submit that the issues raised in the

outstanding Office Action have all been addressed. Accordingly, Applicants respectfully

request favorable reconsideration and early passage to issue of the present application.

No fee is currently due for the present response. However, in the event that it is

determined that additional fees are due, the Commissioner is hereby authorized to charge the

undersigned's Deposit Account No. 50-0311, Ref. No. 18405-115.

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Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 935-3000. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

Date: January 14, 2004

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